

Whereas, A native Texan, Dorie Miller was born in Waco on October 12, 1919, and enlisted in the United States Navy on September 16, 1939; and

Whereas, In the opening hours of America's entry into the war, the 22-year-old assisted fellow sailors and his wounded captain out of the line of fire to shelter; he then manned a machine gun on which he had not been trained, seizing both the initiative and the offense at a moment of critical national peril, and fired at the Japanese planes until the crew was ordered to abandon the ship; and

Whereas, For heroism on the USS *West Virginia*, Admiral Chester Nimitz bestowed upon Dorie Miller the Navy Cross, the United States Navy's highest honor, during a ceremony on the flight deck of the USS *Enterprise* at Pearl Harbor on May 27, 1942; Dorie Miller was the first African American to receive that award; and

Whereas, Dorie Miller was serving on the USS *Liscome Bay*, an escort carrier, on November 24, 1943, when his ship was sunk by a Japanese submarine in an attack which cost the lives of 646 men; Dorie Miller was officially presumed dead a year and a day after the carrier went down; and

Whereas, Besides the Navy Cross, he was entitled to the Purple Heart, the American Defense Service Medal—Fleet Clasp, the Asiatic-Pacific Campaign Medal, and the World War II Victory Medal and in 1973, the United States further recognized his military contributions by naming a frigate, the USS *Miller*, after him; and

Whereas, His actions on the USS *West Virginia* and his valiant service to his country during World War II warrant the highest honor that a member of the United States Armed Forces can receive, the Congressional Medal of Honor, and justify also a special philatelic commemoration that will endear this man of courage and selflessness to his fellow citizens and confer their utmost respect and gratitude; now, therefore, be it

*Resolved*, That the House of Representatives of the 79th Texas Legislature hereby respectfully request the Congress of the United States of America to posthumously bestow upon Doris "Dorie" Miller the Congressional Medal of Honor; and, be it further

*Resolved*, That the House of Representatives of the 79th Texas Legislature hereby respectfully request the U.S. Postal Service and the Citizens' Stamp Advisory Committee to issue a commemorative postage stamp honoring Doris "Dorie" Miller as part of their Black Heritage series and that the Texas delegation to the congress—as well as the Congressional Black Caucus—be hereby reverentially asked to join the effort to attain issuance of such a postage stamp; and, be it further

*Resolved*, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the president of the United States, to the postmaster general, to the speaker of the house of representatives and the president of the senate of the United States Congress, to all the members of the Texas delegation to the congress, and to all members of the Congressional Black Caucus, with the added request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-420. A resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to memorializing Congress to enact legislation relating to the assessment of penalties by a financial institution for an insufficient funds check; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE RESOLUTION No. 1300

Whereas, The paper check, one of the world's oldest and most common forms of

payment, is widely accepted in the United States and internationally; it is used by businesses, governments, and consumers as payment for almost every type of commerce; and

Whereas, In most states, if the issuer of a check has insufficient funds to cover that check, state law authorizes a financial institution to impose a reasonable penalty against the issuer in order to cover the administrative cost of processing that dishonored check, and many financial institutions elect to do precisely that; and

Whereas, In addition, the recipient's financial institution may charge the recipient—who typically is unaware of the check's dubious status—a penalty for the dishonored check and possibly could go so far as to charge back to the recipient's account the amount of the insufficient funds check even if the recipient's financial institution had already made the funds available to the recipient, which may consequently create overdrafts of the recipient's account resulting in the recipient incurring additional penalties arising from those overdrafts; and

Whereas, Imposing a penalty upon the recipient of an insufficient funds check is an unfair business practice because it punishes the wrong party in this very common type of financial transaction; and

Whereas, Because financial transactions involving checks frequently cross state boundaries, it is desirable that a uniform, nationwide standard be established to address this problem; now, therefore, be it

*Resolved*, That the House of Representatives of the 79th Texas Legislature hereby respectfully urge the Congress of the United States to enact legislation to prohibit a dishonored check recipient's financial institution from assessing a penalty against the recipient and to instead authorize the recipient's financial institution to assess a penalty against the issuer's financial institution, which may in turn pass that penalty down to the issuer; and, be it further

*Resolved*, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 843. A bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education (Rept. No. 109-318).

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes (Rept. No. 109-319).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1838. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2679. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2823. A bill to provide life-saving care for those with HIV/AIDS.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3721. A bill to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

\*Mark Myers, of Alaska, to be Director of the United States Geological Survey.

\*John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

\*Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

\*Manfredi Piccolomini, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.

\*Ronald E. Meisburg, of Virginia, to be General Counsel of the National Labor Relations Board for a term of four years.

\*Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2010.

\*Arthur F. Rosenfeld, of Virginia, to be Federal Mediation and Conciliation Director.

\*Karen Brosius, of South Carolina, to be a Member of the National Museum and Library Services Board for the remainder of the term expiring December 6, 2006.

By Mr. SPECTER for the Committee on the Judiciary.

Frances Marie Tydingco-Gatewood, of Guam, to be Judge for the District Court of Guam for the term of ten years.

Troy A. Eid, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted: